

Historic, archived document

Do not assume content reflects current scientific knowledge, policies, or practices.

9114

1.962

A2N215

NATIONAL FOREST GRAZING REGULATIONS

By

THE SECRETARY OF AGRICULTURE

March 8, 1946

1946
113

JUN 18 1946

ADSL
011

GENERAL OBJECTIVES

The Secretary of Agriculture has authority to permit, regulate, or prohibit grazing in the national forests. Under his direction the Forest Service will allow the use of the national-forest ranges for grazing purposes, properly coordinated with other uses such as timber production, watershed protection, recreation, and wildlife.

The leading objects of the grazing regulations are:

1. Perpetuation of the organic resources on both national forest and related land through wise use, protection, and development.
2. The best practical social and economic correlation of the use of national-forest range with adjacent land.
3. Stabilization of that part of the livestock industry which makes use of the national forests, through administrative policies and management practices, which conform to the requirements of practical operation.
4. Cooperation with users through a decentralized administration organized and authorized to settle local problems in accordance with local conditions.
5. Protection of the established ranch owner and home builder against unfair competition in the use of the range.

GRAZING AUTHORIZATIONS

REG. G-1. The Chief of the Forest Service is hereby authorized:

(a) To permit the grazing of such numbers and kinds of livestock upon the national forests or additions thereto as in his judgment is in the public interest.

(b) To refuse renewals of grazing permits in whole or in part where, in his judgment, continued grazing is not in the public interest.

(c) To prescribe the conditions and requirements under which permits will be issued or terminated.

RANGE RESOURCE PLANSMANAGEMENT OF RANGES AND HANDLING OF LIVESTOCK

REG. G-2 (a). Under the general direction of the Chief of the Forest Service, the forests will be divided into range allotments, the kind and number of livestock to be grazed in each allotment determined, grazing periods established, the entrance of livestock regulated, range allocated among permittees, and efficient methods of range use developed and applied with the intent of obtaining the most equitable and profitable utilization of the forage consistent with its sustained productivity and with the protection of the forest and other related interests.

(b). Forest officers shall require methods of handling livestock on the National Forests designed to secure proper protection of the resources thereon and dependent interests, and may require the owners of livestock to give good and sufficient bond to insure payment for all damage sustained by the Government through violation of the regulations or the terms of the permit.

APPLICATIONS AND PERMITS

REG. G-3. Unless otherwise authorized by Chief of the Forest Service, every person must submit an application and obtain a permit before his livestock can be allowed to graze on national forest lands. The grazing regulations shall be considered a part of every permit.

The Chief of the Forest Service may authorize:

(a) The issuance of paid term or annual permits to persons who own the livestock to be grazed and who otherwise qualify for use of national-forest range; and the issuance of temporary permits, where surplus range exists, to persons who do not possess any or all of the qualifications necessary for a term or annual permit. A term permit shall not exceed ten years.

(b) Free grazing, with or without formal permits, to:

- (1) Bona fide residents on ranch or agricultural lands within or contiguous to a national forest for not to exceed ten head of milk, work or other animals owned for domestic purposes and whose products are consumed or whose services are used directly by the family of the resident, where there is a distinct need for forest range to support such animals.
- (2) Prospectors, campers, and travelers, for the few head of livestock actually in use during the period of occupancy.
- (3) Persons conducting permitted operations on a national forest for not to exceed ten head of livestock actually needed and used in connection with such operations.
- (4) Others as may be authorized by the Chief of the Forest Service under regulation G-5.

(c) The issuance of on-and-off grazing permits to persons owning livestock which will graze on range, only part of which is national-forest land, for such proportion of their livestock as the circumstances appear to justify, but such persons may be required so to herd or handle their livestock as to prevent trespassing by that portion for which a permit is not granted.

(d) The issuance of private-land grazing permits, free of charge, to persons who own or control usable lands, located either inside or outside a national-forest, and who agree that the United States shall have exclusive possession of such lands, in exchange for grazing privileges for the number of livestock which such lands will support, either upon such lands or upon other lands in the possession of the United States or upon national forest lands, except that no such permit may be issued where the exchange will be disadvantageous to the Government.

(e) The issuance of crossing permits, either free or on a charge basis, to persons wishing to drive livestock across any portion of a national forest for any purpose.

LIMITS AND PREFERENCES

REG. G-4. For the purpose of equitable distribution of grazing privileges, the prevention of monopoly in the use of national forest ranges, and contributing to the stabilization of the livestock industry, The Chief of the Forest Service shall provide for the establishment for each national forest or portion thereof, of lower and upper limits in numbers of livestock. He shall also provide for the recognition and waiver of preferences, renewal of permits, approval of nonuse, and admission of new applicants to an extent consistent with the objects of the grazing regulations.

The lower limit will define the number of livestock beyond which a grazing preference will not be allowed to accrue by grant, except when surplus range is available.

The upper limit will define the number of livestock up to which grazing preferences may be consolidated through purchase of base property or permitted livestock or both.

Any grazing preference may be reduced for range protection at any time in any amount justified by range conditions, but, except in extreme emergencies, notice of scheduled reductions will be given not later than the close of the summer grazing season.

No grazing preference for less than the lower limit will be reduced for wider distribution of grazing privileges.

No grazing preferences above the lower limit will be reduced for wider distribution of grazing privileges except in connection with transfer of base property or permitted livestock or both.

Subject to the upper-limit restrictions and the protection and management needs of the range, a purchaser of either the permitted livestock or the base property of a permittee with an established grazing preference may be allowed renewal of preference in whole or in part, provided the purchaser of livestock only actually owns commensurate ranch property and the person from whom the purchase is made waives his preference to the Government.

Approval of grazing preference on account of purchase of base property or permitted livestock from a permittee who has used the range under temporary permit less than five consecutive years will not be allowed.

Before a grazing preference is renewed on the basis of a waiver, satisfactory evidence must be submitted that the sale of base property or permitted livestock, or both, is bona fide.

The Chief of the Forest Service may authorize the Regional Forester in special cases to suspend the upper-limit restriction against consolidation.

Persons who are full citizens of the United States shall be given preference in the use of National Forest ranges over other persons.

A grazing preference is not a property right. Preferences in the use of national forest range are approved for the exclusive use and benefit of the persons to whom allowed.

Persons who have waived any part of a previously established grazing preference will not be recognized as grantee applicants or granted any increases where such action would (a) necessitate reduction in any established grazing preference; (b) prevent increase in any preference where the holder owns less than the lower-limit number of livestock; or (c) prevent the admission of new applicants.

FEES, PAYMENTS, AND REFUNDS

REG. G-5. A fee will be charged for the grazing of all livestock on national forests, except as provided by regulation or unless otherwise authorized by the Secretary of Agriculture or the Chief of the Forest Service.

Under such system as the Chief of the Forest Service finds to be proper, he is authorized to determine the fair compensation to be charged for the grazing of livestock on the national forests. The basic grazing fees thus established may be adjusted annually with relation to the market prices of livestock and will apply to all livestock use with the above-stated and the following exceptions:

(1) An additional charge of 2 cents per head will be made for sheep or goats which are allowed to enter the national forests for the purpose of lambing or kidding.

(2) A special charge may be made for pack and saddle animals used for commercial purposes and allowed to graze on national forests.

(3) No charge will be made for animals under six months of age at the time of entering the national forest, which are the natural increase of the livestock upon which fees are paid or for those born during the season for which the permit is allowed; providing, that the full fee may be charged for all weaned calves and colts regardless of age.

All grazing fees are payable in advance of the opening date of the grazing period unless otherwise authorized by the Chief of the Forest Service. Crossing fees are payable in advance of entering the national forest. Failure to comply with the provisions of this regulation will be sufficient cause for denying a grazing or crossing permit.

When a permittee is prevented from using the national forest range by circumstances over which he has no control or for some justifiable cause does not use the privilege granted him, in the discretion of the Regional Forester a refund of the fees paid will be made in whole or in part as the circumstances may justify and the Government's interest will permit.

REVOCATIONS

REG. G-6. The Chief of the Forest Service may authorize the revocation of grazing permits or preferences in whole or in part for a clearly established violation of the terms of the permit, the regulations upon which it is based, or the instructions of forest officers issued thereunder.

COOPERATION WITH STOCKMEN

REG. G-7. In order to obtain a collective expression of the views and recommendations of national-forest range users concerning the management and administration of national-forest range lands, the Chief of the Forest Service shall provide for the recognition of and cooperation with local, state, and national livestock associations; also for recognition of and cooperation with permittee advisory boards elected by the range users of a subdivision of a national forest, an entire national forest, or a group of national forests. When more than one kind of livestock is permitted to graze on a unit, an advisory board may represent the owners of each kind of livestock or one advisory board may represent all range users.

The recognition of livestock associations and permittee advisory boards shall be under the provisions of section 211.1, chapter II, title 36, Code of Federal Regulations (regulation A-9); provided, that all advisory boards shall be elected by the permittees whom they represent.

Boards representing a subdivision of a national forest shall consist of not less than three members. Boards representing an entire national forest or a larger unit shall consist of not less than five members. When satisfactory with the range users, other organizations or groups using resources of the national forest may designate a representative to serve on livestock advisory boards.

Suggestions and recommendations of advisory boards, which will meet upon call of the chairman of the board or upon call of the local forest officer, will be obtained and carefully considered upon current grazing programs and upon policy changes well in advance of their adoption by the Forest Service. Advisory boards also will be given the opportunity to review any matters affecting the interests of one or more users of national-forest range upon request of the individual or individuals affected.

Duly recognized permittee advisory boards may consider grazing complaints and appeals and make recommendations thereon; provided, that in appeal cases the procedure under section 211.2, chapter II, title 36, Code of Federal Regulations (regulation A-10) may be followed if preferred by the appellant.

Associations or advisory boards representing a majority of permittees of a national forest, or a subdivision thereof, may pass special rules designed to obtain economy of operation, improved grades of livestock, larger natural increases, and similar improved practices which, when approved by the designated forest officer, will be binding upon all permittees using the range for which the rule has been approved. Failure on the part of a permittee to comply with an approved special rule may be considered sufficient cause to deny his permit or revoke his preference in whole or in part.

COOPERATION IN THE ENFORCEMENT OF
SANITATION, QUARANTINE, AND LOCAL LAW

REG. G-8. Forest officers will cooperate with state, county, and federal officers in the enforcement of all laws and regulations relating to livestock.

The Chief of the Forest Service may require:

(a) Compliance with livestock quarantine regulations and such other sanitary measures as he may deem necessary to prevent nuisances and insure proper sanitary conditions on the national forest.

(b) Owners of all livestock grazed under permit, or allowed to cross any national forest, to comply with the local livestock laws of the state in which the forest is located.

RANGE IMPROVEMENTS

REG. G-9. (a) Special use permits must be obtained for all range improvements constructed on the national forests by individuals or agencies other than the Forest Service.

(1) When the proposed improvements are necessary for the utilization of the range a clause will be included providing that title shall vest in the Government at the end of a ten-year period. Exceptions may be made where an agreement is reached on an adjusted-fee basis for some other period under paragraph (2).

(2) With the consent of a permittee who has constructed or maintained, or who may hereafter construct or maintain, range improvements which are necessary to the efficient utilization and management of national forest range, the Chief of the Forest Service may make an adjustment of the grazing fees for a period of years sufficient to recompense the permittee for the value of such improvements.

Acceptance of the provisions of paragraph (2) of this regulation is optional with the permittee or Chief of the Forest Service.

(b) The Chief of the Forest Service may provide for the receipt and disbursement of cooperative funds from stockmen for the improvement and protection of the range and other immediately related national forest interests which might otherwise be adversely affected by the grazing of livestock.

(c) The owners of all livestock grazed on or allowed to cross any national forest must repair damage caused by their livestock to roads, trails, springs, or other improvements. Failure to make prompt and adequate repairs, particularly after repeated notice, is sufficient grounds for suspending or revoking the offender's permit or preference in whole or in part.

